

R<sup>3</sup>  
com.

which comprises applying an effective amount of a biocide composition according to anyone of claims 1 through 3.

Kindly add the following claim:

R<sup>4</sup>

9. (new) A biocide composition for use as an additive to substances susceptible to infestation by harmful organisms, said biocide composition consisting essentially of 2-methylisothiazolin-3-one and 3-iodo-2-propynyl-N-butylcarbamate in a weight ratio of (100-1) : (1-50) and a polar or non-polar liquid medium.

#### REMARKS

Claims 5-8 were objected to as being improper multiple dependent claims. Claims 5 and 8 have been amended so that they are no longer dependent on multiple dependent claims. Claims 6 and 7 are not multiple dependent claims and favorable consideration is requested.

Claims 1-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Valcke et al.

Reconsideration is requested.

As amended, the claims point out a composition that consists essentially of 2-methylisothiazolin-3-one and 3-iodo-2-propynyl-N-butylcarbamate and a polar or non-polar carrier. This composition is not made obvious by the Valcke et al. patent which explicitly requires that at least one additional triazol fungicide also be present. New claim 9 points out a preferred embodiment of the invention which is not made obvious by the cited prior art. For these reasons, it is requested that this ground of rejection be withdrawn.

An early and favorable action is earnestly solicited.

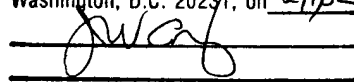
Respectfully submitted,



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Marked copy of amended claims:

1. (twice amended) Biocide composition as an additive to substances susceptible to infestation by harmful organisms, [containing] said biocide composition consisting essentially of a biocidal amount of 2-methylisothiazolin-3-one [as a biocidal agent] , a biocidal amount of [characterized in that the biocide composition contains] 3-iodo-2-propynyl-N-butylcarbamate [as a further biocidal agent with the exception biocide compositions containing 5-chloro-2-methylisothiazolin-3-one] and a polar or non-polar liquid medium.

5. (amended) Biocide composition according to any one of claims 1 through [4] 3, characterized in that it contains a polar and/or a nonpolar liquid medium.

8. (amended) A method of combatting harmful microorganism which comprises applying an effective amount [Use] of a biocide composition according to anyone of claims 1 through [7] 3 [for combatting harmful microorganisms].